

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 12-3E**

DELEGATION OF AUTHORITY

DATE: 5-23-2017

TOXIC SUBSTANCES CONTROL ACT

12-3E. Imminent Hazards

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 12-3E issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to Section 7 of the Toxic Substances Control Act (TSCA):

- a. to determine that a chemical substance or mixture presents an imminent and unreasonable risk of serious or widespread injury to health or the environment under Section 7 of TSCA; and
- b. to take action including, but not limited to, causing the commencement of an action for seizure of a chemical substance or mixture that has been determined to present an imminent and unreasonable risk of serious or widespread injury, or article containing such substance or mixture, or for such other relief as authorized by Section 7, and to direct attorneys of the Environmental Protection Agency to appear and represent the Regional Administrator in any such action.

2. TO WHOM REDELEGATED. The authority in 1.B.b. is redelegated to the Director, Office of Environmental Stewardship (OES).

3. REDELEGATION AUTHORITY.

A. The authority in 1.B.b. may be redelegated to the Section Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Before exercising the authority in 1.B.b., a corresponding determination that there is an "imminently hazardous chemical substance or mixture" under Section 7 of TSCA must have been made under Section 1.B.a.

B. The Director, OES must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising the authority to issue orders. The Manager, Legal Enforcement Office, OES, or

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 12-3E**

DELEGATION OF AUTHORITY

DATE: 5-23-2017

his/her designee, may waive concurrence in writing.

C. The Director, OES must obtain the advance concurrence of the General Counsel (GC) before exercising the authority in Section 1.B.b. to commence a civil action pursuant to Section 7 of TSCA. The GC may waive concurrence in writing.

D. The Director, OES must consult with the Regional Administrator (RA), the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA), and the AA for the Office of Chemical Safety and Pollution Prevention (OCSPP) before exercising the authority in Section 1.B.b. The RA and the AA for OECA may waive consultation in writing.

E. The RA must receive concurrence from the AA for OCSPP before exercising the authority in 1.B.a. The AA for OCSPP will consider a review of the concurrence requirement in the future after more experience is gained with the use of TSCA Section 7, imminent hazard actions and criteria can be developed for those cases which will not require immediate rulemaking.

F. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.


G. The AA for OECA must consult with the AA for OCSPP and the appropriate RA before exercising the authority 1.B.b.

5. ADDITIONAL REFERENCES.

A. For civil actions under Section 7, see Delegation 12-3A entitled *Civil Judicial Enforcement Actions*.

B. See also Delegation 12-3D entitled *Emergency Temporary Restraining Orders*.

6. SUPERSESSON. None.


Deborah A. Szaro
Acting Regional Administrator

5/23/17
Date